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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,300	10/22/2001	Laurent Mainard	4444-024	8931

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EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/890,300

Applicant(s)

MAINARD ET AL.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-11 objected to because of the following informalities: numbers in parenthesis is inappropriate in U.S. applications. It is not known which figure the numbers represent or if they represent the quantity of items in the claim and therefore makes the claim confusing.

Claim 10 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to claims in the alternative only, use "or" as opposed to "and". See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 5 and claim 8 line 8 recite the phrase "...so that latter..." which the grammar is unclear. Examiner will interpret the phrase as "...so that the latter..." but furthermore it is not clear to which section of the claim "...the latter.." is referring to (ie. the locating unit, the receiver, switching unit, or sub-assembly).

Appropriate clarification or correction is required.

Claim lines 10-13 recite "...overlapping a portion of its coverage at the same time

as, on one hand, the descriptions of the relevant zones and the addresses of said services linked relevant zones, and on the other hand, the descriptions and addresses....” This phrase is unclear and confusing which makes the claim indefinite. It is not known if overlapping occurs at the same time as descriptions or if the overlapping occurs on both hands(instances) at the same time or if the coverage overlaps the descriptions and addresses of the zones. Appropriate clarification or correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-11 rejected under 35 U.S.C. 102(e) as being anticipated by  
Huttunen et al., Patent #6,356,761.**

Regarding claim 1, Huttunen teaches a transmission system of services linked to relevant geographic zones and comprising at least one transmitter (1,2,3,4) transmitting said services into said zones (11,12,13,14) (Huttunen 8 Fig.1 and col.5 line 55-col.6 line 9) and a receiver (100) comprising a receiver sub-assembly (110) receiving said services (Huttunen 12 Fig.3 and col.5 line 55-col.6 line 9)), further a locating unit (130) determining the geographic position of said receiver (100) (28 fig.1 and col.3 lines 36-

51) and a switching unit (140) (28 Fig.1) to switch said receiver sub-assembly (110) so that latter shall receive the service(s) linked to the relevant zone(s) corresponding to the geographic position ascertained by said locating unit (130) (Huttunen 12 Fig.3 and col.5 line 55-col.6 line 9), characterized in that said transmission system or each transmitter simultaneously transmits the services linked to the relevant zones (11,12,13,14) overlapping a portion of its coverage and the descriptions of the relevant zones (11,12,13,14) and also the addresses of the services for the zones neighboring to said zones overlapping said part under its coverage(Huttunen Fig.5, col.5 line 55-col.6 line 9 ,col.6 lines 10-26, and col.10 lines 41-53).

Regarding claim 2, Huttunen teaches a services transmission system as claimed in claim 1, characterized in that at least one relevant geographic zone among said zones is defined being overlapping at least one neighboring relevant zone (Fig.2 and col.6 lines 10-26; edges overlap).

Regarding claim 3, Huttunen teaches a Services transmission system as claimed in claim 1, characterized 20 in that each relevant geographic zone is defined by a set of geometric features (Fig.2 and col.6 lines 10-26).

Regarding claim 4, Huttunen teaches a Services transmission system as claimed in claim 3, characterized in that at least one relevant geographic zone is determined by a closed set of geometric features which define one or more polygons (Fig.2 and col.6 lines 10-26).

Regarding claim 5, Huttunen teaches a Services transmission system as claimed in claim 4, characterized in that at least one of said polygons is coincident by at least

one of its apices with road markers (8 and 12 Fig.1 and Fig.2, cell BS 8(polygon) is coincident with unit(12 Fig.1) which is a road marker).

Regarding claim 6, Huttunen teaches a Services transmission system as claimed in claim 1, characterized in that some relevant zones are included rigorously within other relevant zones (Fig.2)

Regarding claim 7, Huttunen teaches a Services transmission system as claimed in one of the above claims, characterized in that in addition to describing the relevant zones and the addresses of said services, each transmitter transmits optional information about data density and service quality (col.2 lines 1-67).

Regarding claim 8, Huttunen teaches a receiver receiving the services linked to relevant geographic zones and transmitted by at least one transmitter (col.5 line 55-col.6 line 9), characterized in that it comprises a locating unit (130) determining the geographic position of said receiver (100), is furthermore a receiver sub-assembly (110) which, simultaneously with the services linked to the zones within it is located, also receives the descriptions of the relevant zones and the addresses of the services of the zones neighboring to the zones being covered(12 Fig.3 and col.5 line 55-col.6 line 9), and a switching unit (140) receiving said descriptions and switching said receiver sub-assembly (110) so that latter shall receive the service(s) linked to the relevant zone(s) corresponding to the geographic position ascertained by said locating unit (130) (col.5 line 55-col.6 line 9 and col.10 lines 21-53).

Regarding claim 9, Huttunen teaches a Receiver as claimed in claim 8, characterized in that it includes means whereby the user drives the switching unit

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according to his selection, in particular when the geographic position determined by said locating unit (130) corresponds to the boundaries of a relevant zone which is situated within one or more other relevant zones (col.5 line 55-col.6 line 9 and col.6 lines 10-26).

Regarding claim 10, Huttunen teaches a Receiver as claimed in either of claims 8 and 9, characterized in that is in addition to receiving the description of the relevant zones and the addresses of said services, it is also designed to receive optional information on density data and service quality and in that it comprises means for the user's selection of data density and/or service quality applied to the switching unit in such manner that said switching unit shall be able to switch said receiver sub assembly to receive the service(s) linked to the relevant zone(s) of which the data density and/or the service quality correspond to said user's selection (col.2 lines 1-28 and col.5 line 55-col.6 line 9 and col.6 lines 10-26).

Regarding claim 11, Huttunen teaches a Receiver as claimed in claim 8, 9 or 10, characterized in that the locating unit (130) is fitted with an extrapolation function allowing instantaneously knowing the vehicle position based on the previously sorted coordinates (col.5 line 55-col.6 line 9 and col.6 lines 10-26).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP  
March 19, 2004

*JTP*

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

*[Signature]*